

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Elhadji Malik Dieye

Docket No. 5:13-CR-291-1FL

Petition for Action on Supervised Release

COMES NOW Lee Holmes, Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Elhadji Malik Dieye, who upon an earlier plea of guilty to Conspiracy to Commit Access Device Fraud 18 U.S.C. § 1029(b)(2), Aggravated Identity Theft and Aiding and Abetting 18 U.S.C. § 1028A, 18 U.S.C. § 1028A(a)(1) & 2, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on August 13, 2014, to the custody of the Bureau of Prisons for a term of 30 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Elhadji Malik Dieye was released from custody on March 01, 2016, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant's family has moved to Charlotte, NC. Mr. Dieye wishes to move with his family as they provide support for him. Also, the defendant already has employment in Charlotte. The Western District of North Carolina has tentatively accepted the transfer of the defendant's supervision subsequent to the modifications listed below. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Western District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days;
2. The defendant shall submit his person, residence, office, vehicle and/or any computer system including computer data storage media, or any electronic device capable of storing, retrieving, and/or accessing data to which they have access or control, to a search, from time to time, conducted by any United States Probation Officer and such other law enforcement personnel as the probation officer may deem advisable, without a warrant. The defendant shall warn other residents or occupants that such premises, vehicles or electronic devices may be subject to searches pursuant to this condition.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Lee Holmes
Lee Holmes
Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2568
Executed On: July 18, 2016

ORDER OF THE COURT

Considered and ordered this 19th day of July, 2016, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge